



Docket No.: 392.1859

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Yukio TOYOZAWA, et al..

Group Art Unit: 2837

Serial No. 10/758,037

Examiner: TBA

Filed: January 16, 2004

Batch No:

For: SERVO MOTOR DRIVE CONTROL DEVICE

COMMENTS REGARDING STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

The Examiner provided a Statement of Reasons for Allowance in the Notice of Allowance, mailed November 1, 2004, in which the Examiner indicated that the "claims recite in terms of means plus function." Further, the Examiner identified specific portions of the specification which the Examiner believed to correspond to the claimed features. However, not all of the features in the claims are to be interpreted under 35 U.S.C. § 116, paragraph 6. By way of example and not limitation, claim 1 recites "a position detector". Further, it is submitted that for those portions of the claim to be interpreted under 35 U.S.C. § 112, paragraph 6, such features should be interpreted based on the entirety of the disclosure and should not be restricted to the specific items identified by the Examiner in the Reasons for Allowance.

As specified in MPEP 1302.14, "care must be taken to ensure that such reasons are accurate, precise, and do not place unwarranted interpretations, whether broad or narrow, upon the claims." It is submitted that the Examiner's Statement does not meet these standards and, instead, raises "possible misinterpretations... and possible estoppel effects" (MPEP 1302.14) and, accordingly, should be disregarded.

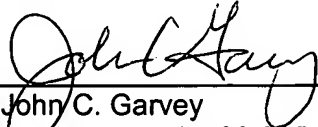
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It further is submitted that the claims noted above are not constrained by such interpretations and that the claims speak for themselves as to what features are included therein and are their own best evidence as to the reasons for allowance of same.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 12-23-04

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